

App. No. 10/709,229

REMARKS - General

By the above amendment, Applicants have amended the title to emphasize the novelty of the invention.

Also applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

Maurus U.S. Patent number D206,257 does not relate to shower baths. It is designed for sinks.

Wulf U.S. Patent No. 6,588,030 is different from Applicant's Invention in design and functionality. This does not sit onto the walls above the shower head but goes into the walls close to the floor below the shower head.

Smith, U.S. Patent No. 4708310, does not anticipate and does not describe installation on the top surface of the shower walls. Smith clearly describes installation to the vertical shower walls in the corner. Our invention does not install to the vertical shower walls. Our invention sits on top of the shower walls and is attached to the drywalls, which are separate from shower walls.

Our invention does not install to the vertical shower walls. Our invention sits on top of the shower walls and is attached to the drywalls with screws, which are separate from shower walls. Smith invention is attached with screws to the vertical shower walls, our invention is not attached with screws to the vertical shower walls.

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Smith anticipated holding accessories below the showerhead, we should rephrase this to say that the tray is used to hold shower and bathroom accessories above the showerhead. Smith describes holding accessories on vertical surface of the shower walls, our invention holds accessories on the horizontal surface. Our invention is used to increase the horizontal surface of the shower bath above the showerhead. Smith did not anticipate and did not describe increasing the horizontal surface above the showerhead. Smith did not describe and did not anticipate keeping harmful objects and products out of the reach of young children. In fact Smith invention is attached to the vertical shower walls below the showerhead, which makes it easier for young children to reach harmful objects.

Our invention tray is used as a removable storage utility above the showerhead. Smith invention provides storage utility below the showerhead. Our invention provides storage utility above the showerhead.

Conclusion

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over prior art. Therefore the applicant submits that this application is now in condition for allowance, which action is respectfully solicited.

Respectfully submitted,



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I hereby certify I have transmitted this paper by fax to the Patent and Trademark Office at 571-273-8300 on September 12, 2005.

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